

VIRGINIA:

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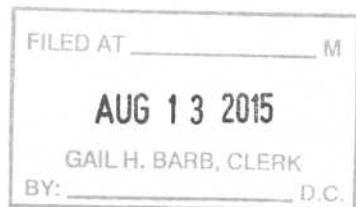
IN THE CIRCUIT COURT FOR FAUQUIER COUNTY

COMMONWEALTH OF VIRGINIA)
)
 v.) CR14-540 through -546
) CR15-29 and -30
)
)
 LORENZO LEE BEAN,)
 Defendant.)

**AMENDED MOTION TO DISMISS FOR PROSECUTORIAL AND
INVESTIGATIVE MISCONDUCT**

COMES NOW the Defendant, by counsel, and files this Amended Motion and moves this Honorable Court to dismiss the above-styled indictments for prosecutorial and investigative misconduct. Exhibits A and B from the previous motion are incorporated as if set out fully herein without being resupplied. As grounds therefor, the Defendant avers:

1. Defendant currently stands indicted for six counts of Embezzlement, in violation of Virginia Code § 18.2-111, and one count of Money Laundering, in violation of Virginia Code § 18.2-246.3.
2. "The [prosecutor] is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done....while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to every legitimate means to bring about a just one." Berger v. United States, 295 U.S. 78, 88, 55 S.Ct. 629 (1935); Tuma v. Commonwealth, 60 Va. App. 273 (2012).



3. These indictments were obtained following the testimony of Special Agent Bradley Gregor to the special grand jury on August 27, 2014. Additionally, the Commonwealth has engaged in other improper behavior with respect to the investigation and conduct of this case that warrant dismissal in order to protect the Defendant's rights.

4. Special Agent Gregor's testimony to the special grand jury is rife with misrepresentations which he knew or should have known were false and misleading to the special grand jury.

5. Further, Deputy Commonwealth's Attorney Jamey Cook, present during Gregor's testimony to the special grand jury, knew or should have known that the material misrepresentations were false and misleading and took no step to clarify or correct the issues with the special grand jurors.

6. These material misrepresentations constitute both prosecutorial and investigative misconduct and prejudiced the special grand jury against the Defendant and denied the Defendant his right to due process in the consideration of the indictments of the Commonwealth.

7. Dismissal of an indictment is appropriate when the error substantially influences a jury's decision to indict or if there is grave doubt that the decision to indict was free from the substantial influence of the error. Pease v. Commonwealth, 24 Va. App. 397, 400 (1997).

PROSECUTORIAL MISCONDUCT AND INVESTIGATIVE MISCONDUCT BY MISREPRESENTATION

Misrepresentations regarding the nature of the representation agreement

8. A transcript of Special Agent Gregor's testimony to the special grand jury is attached to this pleading as Exhibit A.

9. Beginning on Page 8 and continuing on Page 9 of the transcript, Special Agent Gregor begins describing the representation agreement signed by Clarence Butler and the Defendant on January 17, 2010 (attached as Exhibit B).

10. Agent Gregor began by correctly testifying that the agreement called for billing at an hourly rate of \$300 for Defendant's services as attorney to Mr. Butler.

11. Agent Gregor incorrectly testified that the agreement estimated a monthly bill of approximately \$900 a month.

12. A plain reading of page 2 of the representation agreement shows that Mr. Butler would be billed monthly, and the estimated "initial bill" would be \$900.

13. Nowhere does the representation agreement estimate that the bill would be \$900 every month.

14. At one point, Ms. Cook directs Agent Gregor to the 2d page of the agreement, which clearly indicates that the testimony that Agent Gregor had just given was incorrect.

15. Neither Agent Gregor nor Ms. Cook make any effort to correct this misstatement at this time or any other time.

16. Ms. Cook and Agent Gregor then proceed to have undergo a colloquy whereby they offer Agent Gregor's misunderstanding of the nature of a retainer agreement.

17. This colloquy was irrelevant to the grand jury's consideration since the representation agreement clearly indicated that Mr. Butler would pay no money upfront to be held in trust. To the contrary, the agreement clearly indicates that Mr. Butler would be billed monthly for work performed.

18. Neither Agent Gregor nor Ms. Cook make any effort to correct this misstatement at this time or any other time.

19. To the contrary, Agent Gregor explicitly reinforces this misrepresentation of the agreement on pages 44 and 45 following a question from a grand juror.

20. The grand juror tabulates a total of \$32,400 based upon the non-existent agreement of \$900/month.

21. Rather than correcting the juror by referring to the contrary information explicitly contained in the representation agreement, Agent Gregor actually restates the non-existent agreement for \$900/month.

22. Again, neither Agent Gregor nor Ms. Cook take any action to correct the false information relied upon by the juror for his question.

Misrepresentations regarding the nature of the evidence considered

23. On pages 11-13 of the transcript, Agent Gregor discusses Defendant's interview with the Secret Service.

24. Agent Gregor continuously misstates that the Secret Service accessed all of Defendant's billing records concerning Mr. Butler when they interviewed him in person.

25. In fact, although Mr. Bean offered to make his entire file and billing records available to the Secret Service on that date, the agents chose only to take a copy of the representation agreement and a billing statement prepared *that same day* by Candace Fissell.

Misrepresentations regarding the nature of the representation

26. On pages 16-18, Agent Gregor discusses his belief regarding the nature of the representation of Mr. Butler by Defendant.

27. Agent Gregor mistakenly asserts that the nature of the representation was two-fold: 1) maintenance of Mr. Butler's financial affairs; and 2) recovering a loader from Mr. Butler's nephew, Michael.

28. The loader is not mentioned anywhere within the representation agreement.

29. Agent Gregor and Ms. Cook were privy to this fact and took no steps to correct the record.

30. Additionally, Defendant's representation of Mr. Butler concerned other areas not mentioned to the special grand jury, including substantial issues relating to the health and

support of Mr. Butler's wife, Mary, whose ongoing issues eventually required her to reside at assisted living facilities during the course of Mr. Bean's representation.

31. These aspects of Defendant's representation are never mentioned to the special grand jury.

Misrepresentations regarding the progress of a civil case

32. On pages 17-20, Agent Gregor discusses the progress of the "loader" case.

33. Agent Gregor's testimony implicitly states to the special grand jury that significant work cannot be devoted to a civil case until a suit is filed.

34. Ms. Cook goes so far as to basically provide her own testimony on page 20, stating "[b]ut now we know from reviewing the records and Mr. Bean's file, in fact, his business file, that was not the case...".

35. Counsel for Defendant is unaware of any prior experience with the conduct of civil litigation that Ms. Cook or Agent Gregor may have.

36. Civil litigation frequently requires substantial work prior to the filing of a suit to determine if the parties can come to an agreement without the need to file.

37. The need for such substantial pre-filing work was only exacerbated in the "loader" case since the potential litigants were also family members.

38. Gregor's and Cook's colloquy regarding the civil litigation reflected a fundamental misunderstanding of the civil litigation process and certainly confused the grand jurors.

39. Agent Gregor and Ms. Cook repeat this aspect of misrepresentation on page 43.

40. Ms. Cook asks Agent Gregor a question regarding the amount of paper in one file.

41. Agent Gregor, again attempts to equate the amount of paper in one file that he possesses with a conclusion regarding the amount of work done on a case.

42. Counsel for Defendant is unaware that Agent Gregor or Ms. Cook has ever served as counsel or assisted in the billing related to any civil litigation.

43. Agent Gregor had no basis for his conclusory opinion to the grand jury which affected their consideration of the indictments.

Misrepresentations regarding investigation of Mr. Bean

44. On page 30, Agent Gregor concludes some testimony regarding the disposition of funds given to Defendant by Mr. Butler.

45. Agent Gregor states his own conclusion that the disposition of the funds was "unusual".

46. Ms. Cook asks, "Mr. Bean did not provide a logical explanation, did he?"

47. Agent Gregor stated that he did not.

48. Agent Gregor was aware that, at the time of his testimony, he had not spoken to Mr. Bean to acquire an explanation of the disposition of the funds.

49. However, Ms. Cook's question and Agent Gregor's answer certainly implied to the grand jurors that a conversation had taken place and that Mr. Bean did not provide an explanation.

50. On page 31, Agent Gregor further states that the use of multiple deposits must "clearly" be designed to make it much more difficult for Agent Gregor to do his job and trace the funds.

51. Again, at the time of this testimony, Agent Gregor had not spoken to the Defendant and could not have known his motivation for certain actions.

52. Agent Gregor's assumption certainly misled and confused the jury.

Conclusory testimony of the Deputy Commonwealth Attorney

53. Throughout the testimony of Agent Gregor, Ms. Cook has a concerning habit of injecting her own argumentative testimony into her "questions" of Agent Gregor.

54. Beyond the examples articulated, *supra*, she explicitly states on page 43, “[e]ven if we were to agree that everything billed was appropriate and valid, just if we were trying to make that leap, which, quite frankly, is difficult to do, isn’t it, from reviewing the file?”

55. Virginia Code § 19.2-210 states, “[t]he attorney for the Commonwealth shall not be present during or after the investigative stage of the proceedings at any time while the special grand jury is discussing, evaluating, or considering the testimony of a witness...”.

56. This portion of the Code is designed to eliminate the influence of the Commonwealth Attorney, who is designed solely to act as a legal advisor rather than an advocate in a grand jury deliberation, from arguing or influencing the independent deliberation of the grand jury.

57. Ms. Cook begins by continuing her ongoing use of the pronoun “we”, a neat rhetorical trick designed to equate herself, rather than set herself apart from the grand jurors, who must be independent of the prosecutors if the integrity of the grand jury system is to be maintained.

58. Her use of “we” is meant to influence jurors to participate in groupthink and to convince them that everyone already agrees that something is awry.

59. The use of “we” is entirely inappropriate for a prosecutor in the grand jury context, in which grand jurors stand apart from the Commonwealth seeking indictment.

60. She then proceeds to comment in an egregiously argumentative fashion about the evidence that the grand jurors have already heard.

61. She explicitly states that it would be difficult to conclude that all of Defendant’s billing of Mr. Butler was “appropriate and valid”.

62. Such a comment grossly invades the independent provenance of the jury in determining the existence of probable cause after an independent analysis of the evidence.

63. Further, such an argumentative comment flies in the face of the clearly stated purpose of Virginia Code § 19.2-210, to exclude the Commonwealth from the consideration, evaluation, and discussion of the testimony.

64. The record makes clear that Ms. Cook's efforts to influence the grand jury have not been ignored.

65. Shortly after her commentary on the evidence, one of the grand jurors mirrors her argument that the propriety and validity of the billing is a "stretch".

66. Thus, this Court need not even speculate as to whether the misconduct affected the independent deliberation of the grand jury.

67. Further, the Commonwealth Attorney has violated the rights of the Defendant by ordering the court reporter for the special grand jury to not record anything other than witness testimony in contravention of the Circuit Court's order.

PROSECUTORIAL AND INVESTIGATIVE MISCONDUCT IN IMPROPER USE OF SPECIAL GRAND JURY

68. Courts have determined that it is improper for a prosecuting authority to use a grand jury for the sole or dominant purpose of preparing for trial under a pending indictment.

United States v. Vanwort, 887 F.2d 375, 387 (2d Cir.1989), cert. denied, 495 U.S. 906, 910, 110 S.Ct. 1927 1936, 109 L.Ed.2d 290, 299 (1990); Payden v. United States In re Grand Jury Subpoena Duces Tecum Dated Jan. 2, 1985 (Simels), 767 F.2d 26, 29 (2d Cir.1985); United States v. Dardi, 330 F.2d 316, 336 (2d Cir.), *cert. denied*, 379 U.S. 845, 869, 13 L. Ed. 2d 50, 85 S. Ct. 50 (1964).

69. The special grand jury heard the testimony of Candace Fissell on April 22, 2015, months after all of the indictments in the above-styled cases were returned. Upon information and belief, no report of the testimony was written for the grand jury and "true bill" decision was

rendered by this special grand jury and the special grand jury was convened or used solely for the purpose of assisting the Commonwealth Attorney's investigation of the matter.

70. It is apparent that the only purposes for which the testimony of Candace Fissell was presented to the special grand jury were: 1) to continue the investigation of matters already indicted; and 2) to afford her the benefit of statutory immunity for her testimony, as provided in Virginia Code § 19.2-208.

71. In addition, the Fauquier Commonwealth Attorney's office has used the process of the special grand jury to obtain documents via special grand jury subpoena that are not sealed with the special grand jury and are used by the Commonwealth in preparation of its case. Most notably, the Commonwealth Attorney sent the Defendant copies of documents received pursuant to these improper special grand jury subpoenas, issued almost 11 months after the Defendant's indictment, for which they received the credit card records of the Defendant's wife and the credit report of the Defendant. (see attached as Exhibit C). Upon information and belief, no report of the testimony was written for the grand jury and "true bill" decision was rendered by this special grand jury and the special grand jury was convened or used solely for the purpose of assisting the Commonwealth Attorney's investigation of the matter.

72. This process denies the Defendant due process in that it allows the Commonwealth to operate in secret and has denied the Defendant and others the opportunity to move to quash subpoenas because documents were obtained without notice to the Defendant or others.

73. Further, as indicated by the *subpoenas duces tecum*, the Commonwealth Attorney of Fauquier County has impermissibly assumed a dual role of both prosecutor and "special counsel" for the special grand jury, thereby placing itself in a position of conflict where it has proceeded to conduct or oversee investigations by the special grand jury and to impermissibly give advice for, and participate in, non-investigative functions of the special grand jury.

74. As noted above, Virginia Code § 19.2-210 states, “[t]he attorney for the Commonwealth shall not be present during or after the investigative stage of the proceedings at any time while the special grand jury is discussing, evaluating, or considering the testimony of a witness...”. There is no statutory mechanism that permits the Commonwealth Attorney to pull an “end run around” the prohibitions of § 19.2-210 by acting as special counsel to the special grand jury.

75. It is noted that a review of the Circuit Court files reveals that these improper uses of the special grand have not produced reports to the grand jury or decisions of whether to issue a true bill.

76. The rights of the public to the records authorizing the special grand jury have been thwarted as motions and orders relating to the special grand jury are not maintained by the Clerk of the Circuit Court as is required by law, but instead are maintained by the Commonwealth Attorney in its “Special Grand Jury Room.” The lack of access and the inability to review the orders authorizing the appointment of a special grand jury and the motions setting forth the bases for such request is a denial of due process and effects the Defendants ability to prepare for trial and to properly examine whether the Commonwealth Attorney has properly fulfilled its role of protecting the Defendant’s rights.

77. Further, the requests for *subpoenas duces tecum* for the bank records of the Defendant’s law office were presented to the Court for execution in violation of Virginia Supreme Court Rule 3A:12(a) as no notice was ever presented to the Defendant. The Commonwealth knew or should have known of the Rule’s requirements and failed to protect both the Defendant and his clients. No where in the Order that was prepared by the Commonwealth or any Motion seeking such order does the Commonwealth inform the Court that it is seeking information governed by Rule 3A:12. (see Exhibit C). Instead, the

Commonwealth merely asserts that it is seeking *subpoenas duces tecum* pursuant to Va. Code § 19.2-10.1. This is an egregious and significant lack of candor to the Court.

PROSECUTORIAL AND INVESTIGATIVE MISCONDUCT WITH REGARD TO OBTAINING AND USING DISCIPLINARY RECORDS

78. Additionally, upon information and belief, the Commonwealth Attorney and its investigator, Gregor, have conspired with William Sterling, an investigator for the Virginia State Bar, to illegally obtain certain investigative reports of the Virginia State Bar for potential use in this matter. Reports of the Virginia State Bar are confidential and are not subject to public dissemination. Their use and Sterling's sharing of this information violates the rights of the Defendant and provides further evidence of prosecutorial and investigative misconduct that warrants the dismissal of the indictments.

79. Pursuant to Part 6, Section IV, Paragraph 13 of the Rule of the Virginia Supreme Court, the Commonwealth is prohibited from using, relying on in any manner, or admitting into evidence any and all testimony and documentation regarding any and all prior disciplinary actions against Defendant with the Virginia State Bar.

80. In pertinent part, Part 6, Section IV, Paragraph 13 of the Rule of the Virginia Supreme Court states:

13-30 Confidentiality of Disciplinary Records and Proceedings

A. **Confidential Matters.** Except as otherwise provided in this subparagraph 13-30, the following Disciplinary Proceedings, records, and information are confidential and shall not be disclosed:

1. **Complaints**, unless introduced at a public hearing or incorporated in a pending Charge of Misconduct, when the matter is placed on the public District Committee hearing docket, or a Certification;
2. **Investigations, except that Investigative Reports admitted as exhibits at a public hearing are public;**
3. Impairment proceedings, except that final orders are public;
4. **Notes, memoranda, research, and all other work product of Bar Counsel;**

5. **Records, communications, and information protected by Disciplinary Rule 1.6;**
6. **Subcommittee records and proceedings**, except determinations imposing public discipline; and
7. **Deliberations and working papers of District Committees, the Board or a three-judge Circuit Court.**

J. Testimony about Disciplinary Proceedings.

1. **In no case shall Bar Counsel, a member of COLD, a member of a District Committee, a member of the Board, or a Committee Counsel be subject to a subpoena or otherwise compelled to testify in any proceeding regarding any matter investigated or considered in such person's official capacity**, except that an Investigator may be compelled to testify in a Disciplinary Proceeding, subject to rulings of the court or Chair.
2. In no case shall the Clerk of the Disciplinary System be subject to a subpoena or otherwise compelled to testify regarding any matter investigated or considered in the disciplinary system, or the records of any such matter, dealt with by the Clerk of the Disciplinary System in his or her official capacity, except that the Clerk of the Disciplinary System may be compelled to testify in a Disciplinary Proceeding in order to authenticate records of the Clerk of the Disciplinary System.

Va. Sup. Ct. Rules Pt. 6, Sec. IV, Para. 13-30(A) and (J) (emphasis added).

81. The fact that the disciplinary report produced by Sensei was sent to the Defendant as part of discovery by the Commonwealth demonstrates that they had illegally obtained the material. This should not be tolerated.

Conclusion

82. The pattern of misrepresentation, argument, and attempt to influence the evaluation of evidence and deliberation of the grand jury irremediably affected the independent role of the grand jury in consideration of the evidence.

83. Further, the use of the grand jury as an investigatory and trial preparation tool after all indictments had been issued was improper.

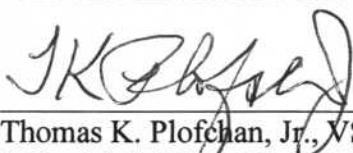
84. As such, the indictments should be quashed as violative of the Defendant's right to due process pursuant to the Fifth and Fourteenth Amendments to the United States Constitution and Article I, § 8 of the Virginia Constitution.

WHEREFORE, Defendant, by counsel, respectfully requests this Court to dismiss the indictments in the above-styled case and to appoint a special prosecutor to investigate the activities of the Commonwealth Attorney and Investigator Gregor.

Respectfully submitted:

LORENZO LEE BEAN
By Counsel

WESTLAKE LEGAL GROUP

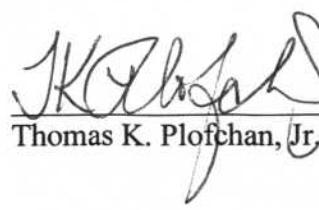


Thomas K. Plofchan, Jr., VSB: 34536
J. Daniel Griffith, VSB: 74945
46175 Westlake Drive, Suite 320
Potomac Falls, Virginia 20165
Tel: (703) 406-7616
Fax: (703) 444-9498
Email: tplofchan@westlakelegal.com
jdgriffith@westlakelegal.com

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2015, a true and correct copy of the foregoing was sent via facsimile and first class mail, postage prepaid, to:

James Fisher, or his designate
COMMONWEALTH'S ATTORNEY OFFICE
29 Ashby Street
Warrenton, VA 20186
Fax: 540-422-8121



Thomas K. Plofchan, Jr.

EXHIBIT C

VIRGINIA:

IN THE CIRCUIT COURT FOR FAUQUIER COUNTY

In the matter of one
SPECIAL INVESTIGATIVE GRAND JURY
In re: 15-1061

SUBPOENA DUCES TECUM

TO ANY AUTHORIZED OFFICER: YOU ARE HEREBY COMMANDED TO SUMMON THE FOLLOWING WITNESS FORTHWITH TO APPEAR IN THE CIRCUIT COURT OF FAUQUIER COUNTY, 29 CULPEPER STREET, FOURTH FLOOR, WARRENTON, VIRGINIA 20186:

Capital One Bank (USA), NA
Attn: 12070-7000
15000 Capital One Drive
Richmond, VA 23238-1119

TO THE PERSON SUMMONED:

YOU ARE COMMANDED TO APPEAR in this Court on July 21, 2015, at 9:30 a.m. and to bring with you any and all credit card monthly statements and or records or certified true copies thereof whatsoever in your possession, custody and/or control, regardless of where or how they were created and are held, kept or maintained, regarding Credit Card Account No. 4121741331439732 or any other credit card accounts belonging to or accessible by **VALERIE H. BEAN (DOB 5/5/1960, SS# 224-94-9142) OR LORENZO LEE BEAN III, (DOB 11/20/1952, SS# 230-76-4237)**. Please include the requested records for the time period of January 1, 2010 through June 30, 2013.

In lieu of Court appearance, these records may be delivered to James P. Fisher, Commonwealth's Attorney, 29 Ashby Street, Fourth Floor, Warrenton, Virginia 20186, facsimile 540/422-8121, on or before July 20, 2015. You may also email the records to [REDACTED]

James P. Fisher, Commonwealth's Attorney for the County of Fauquier, whose telephone number is 540/422-8120, has requested this Subpoena Duces Tecum, which is issued on behalf of the Commonwealth of Virginia. Issued this 15th day of July, 2015, on the authority of the Fauquier County Special Grand Jury by James P. Fisher, counsel for the Special Grand Jury.

JPF:JEC:jch

by: *J. P. Fisher*
James P. Fisher, Commonwealth's Attorney

RETURN OF SERVICE:**[] PERSONAL SERVICE**

[] Being unable to make personal service, a copy was delivered in the following manner:

[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

Deborah P. Neal, Branch Manager, Capital One Bank, 5211 Fletcher Drive, Warrenton, VA 20186

[] Posted on front door or such door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[] Not Found.

Date: *July 15, 2015* by *L. T. Jones*

Deputy Sheriff

VIRGINIA:

IN THE CIRCUIT COURT FOR FAUQUIER COUNTY

In the matter of one
SPECIAL INVESTIGATIVE GRAND JURY
In re: 15-1063

SUBPOENA DUCES TECUM

TO ANY AUTHORIZED OFFICER: YOU ARE HEREBY COMMANDED TO SUMMON THE FOLLOWING WITNESS FORTHWITH TO APPEAR IN THE CIRCUIT COURT OF FAUQUIER COUNTY, 29 CULPEPER STREET, FOURTH FLOOR, WARRENTON VIRGINIA 20186:

DISCOVER SUBPOENA COMPLIANCE
2500 Lake Cook Road, River Woods, IL 60015
Via Facsimile @ 224/405-4972

TO THE PERSON SUMMONED:

YOU ARE COMMANDED TO APPEAR in this Court on July 21, 2015, at 9:30 a.m. and to bring with you any and all credit card monthly statements and or records or certified true copies thereof whatsoever in your possession, custody and/or control, regardless of where or how they were created and are held, kept or maintained, regarding Credit Card Account No. 6011003637522291 or any other credit card accounts belonging to or accessible by VALERIE H. BEAN (DOB 5/5/1960, SS# 224-94-9142) OR LORENZO LEE BEAN III, (DOB 11/20/1952, SS# 230-76-4237). Please include the requested records for the time period of January 1, 2010 through June 30, 2013.

In lieu of Court appearance, these records may be delivered to James P. Fisher, Commonwealth's Attorney, 29 Ashby Street, Fourth Floor, Warrenton, Virginia 20186, facsimile 540/422-8121, on or before July 20, 2015. You may also email the records to [REDACTED]

James P. Fisher, Commonwealth's Attorney for the County of Fauquier, whose telephone number is 540/422-8120, has requested this Subpoena Duces Tecum, which is issued on behalf of the Commonwealth of Virginia. Issued this 15th day of July, 2015, on the authority of the Fauquier County Special Grand Jury by James P. Fisher, counsel for the Special Grand Jury.

by: *J. Wark Jr.*
James P. Fisher, Commonwealth's Attorney

RETURN OF SERVICE:**[] PERSONAL SERVICE**

[] Being unable to make personal service, a copy was delivered in the following manner:

[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

[] Posted on front door or such door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[] Not Found.

Date: _____, by _____ Deputy Sheriff

VIRGINIA:

IN THE GENERAL DISTRICT COURT FOR FAUQUIER COUNTY

*IN RE: PRODUCTION OF ANY/ALL DOCUMENTS PERTAINING TO
CONSUMER CREDIT INFORMATION HELD BY TRANSUNION
ASSOCIATED WITH A LORENZO LEE BEAN III*

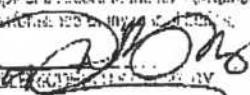
ORDER OF SUBPOENA DUCES TECUM

THIS CAUSE came on to be heard upon the Motion of the Commonwealth of Virginia that this Court issue a Subpoena duces tecum, pursuant to Virginia Code Section 19.2-10.1(A)(1), to require **TransUnion**, a commercial business that provides consumer credit information, to provide a full consumer credit report containing identifying information, credit information, public information and credit inquiries. Specifically requested is the name, previous and current addresses, telephone numbers, Social Security number, date of birth, current and previous employers and spouse's name, credit accounts or loans with any financial institution, retailer, credit card issuer or any other lender of like kind, bankruptcies, tax liens, monetary judgments or any other information in their possession including but not limited to the return of prescreening inquiries, inquiries for account review purposes and inquiries relating to medical, utility or insurance services found in the consumer's file. The above information is requested on:

Subject Name: LORENZO LEE BEAN III
Current Address: 5407 Sumerduck Rd., Sumerduck, VA 22742-2052
Date of Birth: 11/20/1952
Social Security#: 230-76-4237

FAUQUIER COUNTY GENERAL DISTRICT COURT
I, the undersigned Clerk or Deputy Clerk, make above
to be known, acknowledged, and sworn to, in Court, this 10th day of July, 2015, that the above information
is true, and that copy of a record in the above-named
matter, made in the office of the Clerk, on the day of

1

7/10/15 

IT APPEARING THAT there is probable cause to believe that a crime has been committed and that the records sought or other information sought are relevant to a legitimate law enforcement inquiry into that offense, it is therefore

ADJUDGED and ORDERED that, pursuant to Virginia Code Section 19.2-10.1, **TransUnion** provide a full consumer credit report containing identifying information, credit information, public information and credit inquiries. Specifically requested is the name, previous and current addresses, telephone numbers, Social Security number, date of birth, current and previous employers and spouse's name, credit accounts or loans with any financial institution, retailer, credit card issuer or any other lender of like kind, bankruptcies, tax liens, monetary judgments or any other information in their possession including but not limited to the return of prescreening inquiries, inquiries for account review purposes and inquiries relating to medical, utility or insurance services found in the consumer's file.

Such records shall be produced and provided under seal, on or before July 24, 2015 to the Fauquier County Sheriff's Office, Criminal Investigations Division, c/o Detective J. S. Payne, 78 West Lee Street, Warrenton, Virginia, 20186 (telephone: 540/422-8772; fax: 540/422-8608, or by electronic email to John.Payne@fauquiercounty.gov

FURTHER ORDERED that the Detective or the Attorney for the Commonwealth shall retain these records until the investigation is complete, or until this Court orders the records to be turned over, and that on the date the investigation is complete the Attorney for the Commonwealth shall submit the

records to the Court and the Clerk of the Court shall thereafter maintain such records under seal.

ORDERED this 15th day of July, 2015.



JUDGE

I ASK FOR THIS
JAMES P. FISHER,
Commonwealth's Attorney for
Fauquier County

By: 

Jamey E. Cook, Deputy
Commonwealth's Attorney
29 Ashby Street, Fourth Floor
Warrenton, Virginia 20186
Telephone: (540) 422-8120
Facsimile: (540) 422-8121
Email: Jamey.Cook@fauquiercounty.gov

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF F

RE: IN THE MATTER OF A CERTAIN EMBEZZLEMENT INVESTIGATION
REQUEST FOR ANY AND ALL BB & T BANK RECORDS OF ACCOUNTS
UNDER THE NAME OF LORENZO LEE BEAN

ORDER

This day came Jamey E. Cook, Deputy Commonwealth's Attorney for the County of Fauquier, Virginia, and moved this Court to enter an order directing BB & T Bank to release any and all bank documents/statements associated with the personal or business accounts of Lorenzo Lee Bean, to Special Agent Bradley S. Gregor of the Virginia State Police, and authorizing Special Agent Bradley S. Gregor of the Virginia State Police to inspect and/or copy said information. Said information is requested and is material and relevant to facilitate an ongoing criminal investigation.

IT APPEARING to the Court upon representation of the Attorney for the Commonwealth that the information requested by the Commonwealth is material and relevant to a legitimate law enforcement inquiry; .

IN CONSIDERATION WHEREOF, upon good cause shown and it appearing proper to do so, it is ORDERED that BB & T Bank is directed to furnish forthwith to Special Agent Bradley S. Gregor of the Virginia State Police for inspection and/or duplication any and all bank documents/statements associated with the personal and business accounts of Lorenzo Lee Bean, for the time period of January 1, 2010 through June 17, 2013.

For the convenience of BB & T Bank, legible copies may be produced in lieu of original documents at the bank's expense.

It is further ORDERED that this ORDER be sealed and that BB & T Bank, its agents and employees shall not disclose to any person the existence of these orders until otherwise ordered by the Court.

ORDERED this 21st day of March, 2014.

Jerry A. Whalen
Judge Designate

I ASK FOR THIS:
Bill Cook

Jamey E. Cook
Assistant Commonwealth's Attorney
29 Ashby Street
Fauquier, VA 20186
(540) 422-8120

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT
OF FAUQUIER COUNTY, 11-1-17

I certify that the document to which this authentication
is affixed is a true copy of a record in my office, that
I have custody of the record and that I am custodian of
the record.

Glenn Barb, Clerk

By J. M. Rankin Deputy Clerk

3-25

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF FAUQUIER

RE: IN THE MATTER OF A CERTAIN EMBEZZLEMENT INVESTIGATION
REQUEST FOR ANY AND ALL PNC RECORDS OF ACCOUNTS UNDER THE
NAME OF LORENZO LEE BEAN

ORDER

This day came Jamey E. Cook, Deputy Commonwealth's Attorney for the County of Fauquier, Virginia, and moved this Court to enter an order directing PNC Bank to release any and all bank documents/statements associated with the personal or business accounts of Lorenzo Lee Bean, to Special Agent Bradley S. Gregor of the Virginia State Police, and authorizing Special Agent Bradley S. Gregor of the Virginia State Police to inspect and/or copy said information. Said information is requested and is material and relevant to facilitate an ongoing criminal investigation.

IT APPEARING to the Court upon representation of the Attorney for the Commonwealth that the information requested by the Commonwealth is material and relevant to a legitimate law enforcement inquiry;

IN CONSIDERATION WHEREOF, upon good cause shown and it appearing proper to do so, it is ORDERED that PNC Bank is directed to furnish forthwith to Special Agent Bradley S. Gregor of the Virginia State Police for inspection and/or duplication any and all bank documents/statements associated with the personal and business accounts of Lorenzo Lee Bean, for the time period of January 1, 2010 through June 17, 2013.

For the convenience of PNC Bank, legible copies may be produced in lieu of original documents at the bank's expense.

It is further ORDERED that this ORDER be sealed and that PNC Bank, its agents and employees shall not disclose to any person the existence of these orders until otherwise ordered by the Court.

ORDERED this 21st day of March, 2014.

Jerry A. Whittle
Judge ~~Associate~~

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VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT
OF FAUQUIER COUNTY, 3-21-14

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Gill H. Barb, Clerk

By Dawnne D. Rankin Deputy Clerk